

APPENDICES

(17.24.303)

TITLE

APPENDIX NO.

MEMORANDUMS OF COAL LEASE (Musselshell and Yellowstone Counties)	1
SCHEDULE “A” TITLE INSURANCE POLICIES FOR SURFACE AND COAL LEASEHOLDS	2
LANDOWNER ACCESS AGREEMENTS	3
A. Bull Mountain Land Company, LLC Environmental Access Agreement	
B. Bureau of Land Management (Agreements # 92641, 95598 and 104018)	
C. Busch Ranch	
D. P.U. Ranch	
E. Frost Ranch	
F. DNRC State of Montana (No. 6124)	
G. Charter	
H. Helsby	
I. Pfister Ranch (Original agreement and 3 Amendments)	
J. Raymond	
K. Gegas/Industrial Properties	
L. Carlson	

DESCRIPTION OF DEEDS AND AGREEMENTS

1. Bull Mountain Land Company, LLC acquired all of the surface and coal estate owned by the original applicant for this permit (Glacier Park Company – successor to Meridian Minerals Company) by virtue of that certain Special Warranty Deed, as the same is recorded in the office of the Musselshell County Montana Clerk and Recorder on Page 93 of Book 375.
2. A correction to that deed was thereafter filed with the Musselshell County Clerk and Recorder on Page 206 of Book 375. That correction resolved an error in the original deed concerning Section 12, Twp 6N, Rng 26E wherein the property transferred reflected an adjustment reflecting a previous transaction with C.M. Schenk. It also resolved an error in the original deed concerning Section 14, Twp 6N, Rng 26E wherein coal vs surface estates had been transposed. And finally, the correction deed resolved an error in the original deed concerning Section 8 Twp 6N, Rng 27E wherein surface vs coal estates were incorrect.
3. Glacier Park Company also deeded to Bull Mountain Land Company certain properties commonly referred to as the railroad spur right-of-way extending from Bull Mountains No. 1 Coal Mine to the BNSF main line near Broadview, Montana. Included in this deed is the site of the Comanche Basin Loadout facility. That deed was recorded in Yellowstone County, MT under document No. 3135386.
4. Bull Mountain Land Company then executed a Coal Lease and Amendment to Coal Lease in favor of BMP Investments, Inc. wherein BMP Investments, Inc. obtained the right to enter and mine on all of the lands acquired by Bull Mountain Land Company, LLC from Glacier Park Company. This document also included the Comanche Basin loadout facility site.
5. Bull Mountain Land Company, LLC severed most of the coal estate from the surface estate that it acquired from Glacier Park Company by virtue of a Mineral Deed and Bill of Sale. Those documents were recorded in the Musselshell County Clerk and Recorder's office at Book 375, Page 122 and Book 373, Page 756 respectively. They are included in this exhibit as the fourth and fifth instruments.
6. Since by virtue of the Glacier Park Company deed and correction deed (para 1 & 2) not all of the lands included in Permit 93017 as found in Section 12 of Twp 6N, Rng 26E were then under ownership and control of BMP II, an agreement was negotiated with C.M. Schenk to accommodate the discrepancy.
7. Bull Mountain Land Company, LLC negotiated the purchase of what is commonly known as the Meged Property and an agreement evidencing that acquisition was formalized on 28 November 2001.
8. Bull Mountain Land Company, LLC subsequently sold all of its interest in both the surface and mineral estates to the Airlie Opportunity Master Fund, Ltd, which (company) subsequently recorded title for both the real estate (surface) and mineral estate (coal) to Bull Mountains Coal Properties, Inc..
9. Bull Mountains Coal Properties, Inc. (BMCP) leased its surface, coal, and water rights within the Permit Area to Bull Mountain Coal Mining, Inc. (BMCM) on July 16, 2008. Memorandums of Lease were filed for properties located in Musselshell and in Yellowstone Counties. These memorandums were subsequently recorded in the respective courthouses for the two counties. These Memorandums of Lease are included in this document as Appendix 1.

10. To insure that title was accurate and legally correct, both the Lessor (BMCP) and the Lessee (BMCM) participated in Title Insurance Policies for the Surface Leasehold Estate and the Coal Leasehold Estate. Schedule "A" of both of the Title Insurance Policies are included in this document as Appendix 2, to demonstrate that the Lessor has legal title to the Coal Estate and right to enter into a lease with the Lessee.

11. From the original coal mining permit issued to Meridian Minerals Company, Inc. in 1993 to the present, it has been necessary for the for the permittee to obtain and service by annual payments certain Environmental Access Agreements from various land (surface estate) owners. These Environmental Access Agreements were transferable from Meridian Minerals Company, and subsequent permittee(s). Appendix 3 (Environmental Access Agreements) has been included in the permit to demonstrate to the Department that the current permittee has the legal right to enter into and upon the necessary lands (properties) in order to conduct environmental monitoring.

- A. Bull Mountain Land Company, LLC Environmental Access Agreement
- B. Bureau of Land Management (Agreements # 92641, 95598 and Access Air Portal)
- C. Busch Ranch
- D. P.U. Ranch
- E. Frost Ranch
- F. DNRC State of Montana (No. 6124)
- G. Charter
- H. Helsby
- I. Pfister
- J. Raymond
- K. Gegas/Industrial Properties
- L. Carlson

The access rights granted by these agreements have been transferred from company to company by successor-ships as follows:

- Meridian Minerals Company sold its Bull Mountains land and mineral holdings to Bull Mountain Land Company, LLC
- BMP Investments, Incorporated (BMPI) was incorporated on March 20, 1998. BMP Investments, Incorporated re-instates the Mine Permit #93017.
- BMP Investments, Incorporated signs Environmental Access Agreement with Bull Mountains Land Company, LLC on June 1, 2003.
- Bull Mountains Investments, Inc. was successor to BMP Investments, Incorporated (BMPI) on July 10, 2003.
- Bull Mountain Coal Mining, Inc. (BMCM) was successor to Bull Mountains Investments, Inc. on August 23, 2006.
- Signal Peak Energy, LLC (SPE) was successor to Bull Mountain Coal Mining, Inc. on July 16, 2008.

The Limited Liability Company Agreement converting BMCM to Signal Peak Energy, LLC clearly calls out the Environmental Access Agreements listed above as "*Company Leased Properties (leased by or rights and access granted to the Company from a Third Party)*" in Part 3.7(a)(f) of the Company Agreement, which was a purchase of BMCM stock(successor-ship).